



**UNITED STATES DEPARTMENT OF COMMERCE  
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*ANT*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/131,717 08/10/98 TAMS

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EXAMINER

FIELDS, K

ART UNIT

PAPER NUMBER

2754

DATE MAILED:

06/20/00

*5*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/131,717

Applicant(s)

Tams et al

Examiner

Kenneth Fields

Group Art Unit

2754

☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-29 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-29 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1,4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on 5/28/98. It is noted, however, that applicant has not filed a certified copy of the United Kingdom application as required by 35 U.S.C. 119(b).

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should make reference to "monitoring traffic data of overlapping time periods."

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1, 12-14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Abe et al (US 5,966,509).

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Abe et al discloses a method of processing and storing data in a computer system and a data storage device, the method comprising: storing first and second data sets on the storage device, the first and second data sets being of different data resolutions and corresponding to overlapping periods of time; operating processor circuitry to receive data collected over a period of time; and operating the processor circuitry to update at least one record in each of the stored first and second sets of records with the received data (cols. 14-28; figs 41-44).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-11, 15, 16, and 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al (US 5,966,509).

Abe et al discloses recording data in separate records by the hour, daily, monthly, and yearly and displaying on a graphical user interface data corresponding to the different time periods (figs. 41-44). Abe is silent regarding the method of transferring data to and removing data from the storage device.

Official Notice is taken that FIFO (first-in, first-out) methods of storing and replacing data, buffering systems for data and multiple processors are old and well known in the art. FIFO

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systems are widely utilized to free space on a storage disc. By removing the oldest data, it is possible to free storage space for the newest data to occupy. A buffer, like a cache, is a midpoint holding place for data but exists not so much to accelerate the speed of an activity as to support the coordination of separate activities. Multiple processors provide added efficiency for the transfer of data between points. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the data transfer system of Abe with a FIFO system, buffer and multiple processors as claimed. The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the data storage device of Abe with a FIFO system in order to free storage space on the storage for the newest data by removing the oldest data, a buffer in order to coordinate data transfer activities and multiple processors in order to increase the speed and efficiency of the data transfer process.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cote (US 5,870,556), Creemer (US 6,014,727), Tokunaga et al (US 5,968,132), Yasuda et al (US 5,887,136), Raguram et al (US 5,724,263), Kondo (US 5,841,981), Rahnema (US 5,596,722) and McKee (US 5,539,659) disclose traffic data monitoring systems.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Fields whose telephone number is (703) 308-4954.

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The fax phone number for this art unit is (703) 305-7201. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

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Kenneth Fields  
June 12, 2000

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700